

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

IN RE:	§	
	§	
DOUBLE H TRANSPORTATION, LLC,	§	
	§	
Appellant,	§	
	§	
v.	§	CASE NO. 3:21-cv-00121-KC
	§	
BRAD W. ODELL (CHAPTER 11 TRUSTEE),	§	
RONALD INGALLS (CHAPTER 7 TRUSTEE),	§	
UNITED STATES TRUSTEE – ELP12,	§	
MHC FINANCIAL SERVICES, and	§	
ENG S COMMERCIAL FINANCE CO.	§	
	§	
Appellees.	§	

**APPELLANT’S FIRST UNOPPOSED MOTION FOR EXTENSION
OF TIME TO FILE APPELLANT’S PRINCIPAL BRIEF**

TO THE HONORABLE KATHLEEN CARDONE, U.S. DISTRICT JUDGE:

COMES NOW DOUBLE H TRANSPORTATION, LLC (hereinafter referred to as “Appellant” or “DOUBLE H” or “Debtor”), by and through the undersigned counsel, and hereby files this “Appellant’s Unopposed First Motion For Extension Of Time To File Appellant’s Principal Brief” (hereinafter referred to as the “Motion”), pursuant to Rule 8013 of the Federal Rules of Bankruptcy Procedure (“FRBP”), and Rule 27 of the Federal Rules of Appellate Procedure (“FRAP”), and would respectfully show this Court as follows:

I. FACTUAL AND PROCEDURAL BACKGROUND.

1. On July 7, 2021, the U.S. Bankruptcy Court Clerk filed a “Transmission of Record on Appeal to District Court” stating the Appellant’s designated record on appeal was complete. (Document 6-1).

2. However, on July 14, 2021, the U.S. Bankruptcy Court Clerk filed a supplemental “Transmission of Record on Appeal to District Court” stating transcript was filed after the initial transmission of Notice of Record on Appeal. (Document 7).

3. In accordance with the July 14, 2021 “Transmission of Record on Appeal to District Court” (Document 7), and Rule 8018(a)(1) of the Federal Rules of Bankruptcy Procedure, Appellant’s Principal Brief is thus due on or about Friday, August 13, 2021.

4. The undersigned counsel for Appellant resumed regular chemotherapy treatments the past several months (except during a successful bout with COVID-19), making it difficult for undersigned to devote sufficient time towards completion of the Appellant’s Principal Brief.

5. In addition, the undersigned counsel has several other pending state and federal cases, including a Chapter 11 Bankruptcy case that includes an Adversary proceeding requiring substantial attention during the next few weeks.

6. In accordance with Local Rule CV-7(g), the undersigned has met and conferred via email with each counsel for the Appellees herein, in a good-faith attempt to determine whether or not they would oppose the foregoing, and each counsel for the Appellees has responded they do not oppose this Motion. (See Exhibits A-E attached hereto).

7. Accordingly, Appellant hereby requests that the current deadline to file the Appellant’s Principal Brief be extended for thirty (14) days, until Friday, August 27, 2021.

II. ARGUMENT AND AUTHORITIES.

8. In accordance with Local Rule CV-7(d)(2)(a), of The United States District Court For The Western District Of Texas, El Paso Division, this Court may extend the time for filing a brief before the expiration of the period originally prescribed.

9. Accordingly, Appellant hereby notes as follows:

- A. On July 14, 2021, the Clerk of The United States Bankruptcy For The Western District Of Texas, El Paso Division, herein completed its Transmission Of Record On Appeal To District Court;
- B. Therefore, the current deadline to file the Appellant's Principal Brief is August 13, 2021, pursuant to Rule 8018(a)(1) of the Federal Rules of Bankruptcy Procedure;
- C. The length of the extension sought herein is fourteen (14) days, until Friday, August 27, 2021;
- D. The facts relied upon to reasonably explain the need for an extension are as discussed above; and,
- E. The number of previous extensions granted regarding the item in question are NONE, as this is the first Motion Appellant has filed requesting an extension of time for filing any Briefs.

III. PRAYER.

WHEREFORE, ALL PREMISES CONSIDERED, and for the foregoing reasons, Appellant prays the Court grant this Appellant's First Unopposed Motion For Extension Of Time To File Appellant's Principal Brief until Friday, August 27, 2021. Appellant further prays for such other further relief, at law and in equity, to which Appellant may be justly entitled.

August 12, 2021

Respectfully submitted,

THE NEVAREZ LAW FIRM, PC
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/s/ Michael R. Nevarez
MICHAEL R. NEVAREZ
State Bar No. 14933400
Attorney for Appellant

CERTIFICATE OF CONFERENCE

I hereby certify, in accordance with Local Rule CV-7(g), that, on this date, the undersigned conferred via email with Mr. Brad W. Odell, Subchapter V Trustee, as to whether or not the Subchapter V Trustee would oppose the foregoing **APPELLANT'S FIRST UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE APPELLANT'S PRINCIPAL BRIEF**, and the Subchapter V Trustee:

 X DID NOT oppose the foregoing document;

 DID oppose the foregoing document;

 DID NOT respond.

/s/ Michael R. Nevarez
MICHAEL R. NEVAREZ

CERTIFICATE OF CONFERENCE

I hereby certify, in accordance with Local Rule CV-7(g), that, on this date, the undersigned conferred via email with Mr. Ronald Ingalls, Chapter 7 Bankruptcy Trustee, as to whether or not the Chapter 7 Bankruptcy Trustee would oppose the foregoing **APPELLANT'S FIRST UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE APPELLANT'S PRINCIPAL BRIEF**, and the Chapter 7 Bankruptcy Trustee:

 X DID NOT oppose the foregoing document;

 DID oppose the foregoing document;

 DID NOT respond.

/s/ Michael R. Nevarez
MICHAEL R. NEVAREZ

CERTIFICATE OF CONFERENCE

I hereby certify, in accordance with Local Rule CV-7(g), that, on this date, the undersigned conferred via email with Mr. James W. King, Counsel for MHC Financial Services, as to whether or not Mr. James W. King would oppose the foregoing **APPELLANT'S FIRST UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE APPELLANT'S PRINCIPAL BRIEF**, and Mr. James W. King:

 X DID NOT oppose the foregoing document;

_____ DID oppose the foregoing document;

_____ DID NOT respond.

/s/ Michael R. Nevarez
MICHAEL R. NEVAREZ

CERTIFICATE OF CONFERENCE

I hereby certify, in accordance with Local Rule CV-7(g), that, on this date, the undersigned conferred via email with Mr. James W. Brewer, Counsel for ENGS Commercial Finance Co., as to whether or not Mr. James W. Brewer would oppose the foregoing **APPELLANT'S FIRST UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE APPELLANT'S PRINCIPAL BRIEF**, and Mr. James W. Brewer:

 X DID NOT oppose the foregoing document;

_____ DID oppose the foregoing document;

_____ DID NOT respond.

/s/ Michael R. Nevarez
MICHAEL R. NEVAREZ

CERTIFICATE OF CONFERENCE

I hereby certify, in accordance with Local Rule CV-7(g), that, on this date, the undersigned conferred via email with Mr. James Rose, United States Trustee, U.S. Department of Justice, Office of the U.S. Trustee, as to whether or not the Office of the U.S. Trustee would oppose the foregoing **APPELLANT'S FIRST UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE APPELLANT'S PRINCIPAL BRIEF**, and the Office of the U.S.

Trustee:

 X DID NOT oppose the foregoing document;

 DID oppose the foregoing document;

 DID NOT respond.

/s/ Michael R. Nevarez
MICHAEL R. NEVAREZ

FRBP RULE 8012 AND FRAP RULE 26.1

DISCLOSURE STATEMENTS

In accordance with FRBP Rule 8012 and FRAP Rule 26.1(a), Appellant Double H Transportation LLC (“DOUBLE H”) hereby states as follows:

- (a) Appellant is a Nongovernmental Company, but no parent entity, or publicly held entity, owns 10% or more of its stock, or equity interest.
- (b) Appellant is not an Organizational Victim in a Criminal Case.
- (c) Appellant is a debtor in a bankruptcy case, and:
 - (1) There is no other debtor not named in the caption; and
 - (2) Hereby discloses the information required by Rule 26.1(a).
- (d) This Rule 26.1 statement is filed prior to the filing of the principal brief, and upon the filing of the foregoing motion.
- (e) As this Rule 26.1 statement is filed before the principal brief, an original and 3 copies of this Motion is filed herewith, on this date, via U.S. Priority Mail.

CERTIFICATE OF SERVICE

I hereby certify, in accordance with Local Rule CV-7(g), that a true and correct copy of the foregoing **APPELLANT'S FIRST UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE APPELLANT'S PRINCIPAL BRIEF**, with all supporting attachments, exhibits, and affidavits referenced therein, if any, was served either by eFiling via an Electronic Filing Service Provider, and/or via facsimile, to the following parties in interest, on this August 12, 2021:

SUBCHAPTER V TRUSTEE:

Mr. Brad W. Odell
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OFFICE OF THE U.S. TRUSTEE:

Mr. James Rose
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CHAPTER 7 TRUSTEE:

Mr. Ronald E Ingalls
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Chapter 7 Trustee

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**EQUITY SECURITY HOLDERS
ALL UNSECURED CREDITORS
ALL SECURED CREDITORS
ALL PARTIES IN INTEREST**

/s/ Michael R. Nevarez

MICHAEL R. NEVAREZ

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